

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

NEW YORK LIFE INSURANCE COMPANY,

Plaintiff,

DECISION AND ORDER

09-CV-1075A

v.

DANYAL HASSAN et al.,

Defendants.

On December 17, 2009, former interpleader plaintiff New York Life Insurance Company filed an interpleader complaint with the Court to settle a dispute among potential claimants for life insurance proceeds in the total amount of \$462,729.45. Plaintiff deposited the proceeds with the Clerk of the Court on January 6, 2010 and was dismissed from the case on August 4, 2010.

Meanwhile, although all defendants were served, only defendants Danyal Hassan and Rania Hassan responded to the complaint by filing an answer and claim on March 10, 2010. These answering defendants subsequently requested an entry of default against all other defendants, which the Clerk of the Court filed on September 14, 2010.

Now pending before the Court is a motion by the answering defendants for default judgment in their favor (Dkt. No. 37). Upon review of the motion papers and the information found previously in the docket, the Court grants the motion.

The Clerk of the Court is directed to disburse to each of the two answering defendants, Danyal Hassan and Rania Hassan, an amount from the remaining proceeds equal to 29% of the current balance. Payment shall be in the name of each answering defendant but may be delivered to their counsel, Michael F. Barrett of Cole, Sorrentino, Hurley, Hewner & Gambino, P.C.

As for the remaining 42% of the life insurance proceeds, the Clerk of the Court is directed to take appropriate steps to manage or to store the funds as unclaimed funds until further order of the Court.

All motions and proceedings having concluded, the Clerk of the Court is directed to close this case.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 25, 2011